

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3006 OF 2007

Office Notes, Office Memoranda of :
coram, appearances, Court's Orders: Court's or Judge's orders
or directions and Registrar Orders:

Mr.B.P. Jadhade for the petitioner.

Mr.C.R. Sonawane, A.G.P. for
respondents no.1 to 5.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 29TH OCTOBER 2007

P.C. :

1. By this petition, the petitioner claims that she is entitled to family pension for the period between 1st January 1996 and 19th August 1997. The original pensioner was Raosaheb Lakshman Raghunath Sane and on his death in the year 1969, family pension was paid to his widow Laxmibai. Laxmibai also died on 19th August 1997. Admittedly, therefore, no family pension is payable after 19th August 1997. It is however contended that from 1st January 1996 till 19th August 1997, Laxmibai was entitled to family pension and the petitioner, who is a grand-daughter

(daughter's daughter) of the family pensioner, is entitled to the arrears from 1st January 1996 till 19th August 1997.

2. The writ petition has been filed on 6th February 2007, that is after lapse of nearly 10 years of the death of Laxmibai. The period of limitation even for a suit for recovery of money is 3 years. Petition filed after 10 years for recovery of money allegedly by an heir of Laxmibai cannot be entertained as it is barred by delay and laches. Writ petition is accordingly rejected summarily.

(D.G. KARNIK, J.)

(S.B. MHASE, J.)